

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID COFFMAN, on behalf of himself)	CASE NO. 1:21-CV-00637
and others similarly-situated,)	
)	JUDGE CHRISTOPHER A. BOYKO
<i>Plaintiffs,</i>)	
)	Magistrate Judge William H. Baughman, Jr.
v.)	
)	
AM COMMUNICATIONS, INC., <i>et al.</i> ,)	<u>REPORT OF PARTIES' PLANNING</u>
)	<u>MEETING</u>
<i>Defendants.</i>)	

1. Pursuant to Fed. R. Civ. P. 26(f) and L.R. 16.3(b), a meeting was held on June 18, 2021, and was attended by:

Ryan A. Winters, Kevin M. McDermott, Clifford P. Bendau, II, Christopher J. Bendau,
and James L. Simon – Counsel for Plaintiff;

Vincent J. Tersigni and Robert J. Bowes – Counsel for Defendants AM Communications, Ltd. and AM Communications, Inc. (“AM Defendants”); and,

Brian J. Kelly, Michael N. Chesney, and Ryan T. Smith – Counsel for Defendants James Johnson and James Johnson, LLC.

2. The parties:

_____ have exchanged the pre-discovery disclosures required by Rule 26(a)(1) and the Court's prior order;

X will exchange such disclosures by June 24, 2021.

_____ have not been required to make initial disclosures.

3. The parties recommend the following track:

_____ Expedited _____ Standard X Complex _____ Administrative _____ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute Resolutions (“ADR”) mechanisms:

_____ Early Neutral Evaluation X Mediation _____ Arbitration
_____ Summary Jury Trial _____ Summary Bench Trial _____ Case not suitable for ADR

5. The parties do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. 636(c).

6. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought, the nature and extent of discovery.

Plaintiff claims that he, together with a class of persons he seeks to represent, were improperly classified as independent contractors by Defendants. Plaintiff will seek discovery concerning the job duties of Plaintiff and members of the putative class, as well as their hours worked and compensation. Plaintiff will also seek discovery regarding the relationship between Plaintiff and members of the putative class and Defendants. Defendants will seek discovery related to Plaintiff's claims and Defendants' defenses.

(b) Discovery cut-off date: The parties request that a discovery schedule be put in place following the outcome of any motion for conditional certification of an FLSA collective.

7. Recommended dispositive motion date: The parties request that a dispositive motion schedule be put in place following the outcome of any motion for conditional certification of an FLSA collective.

8. Recommended expert discovery date: The parties request that an expert discovery schedule be put in place following the outcome of any motion for conditional certification of an FLSA collective.

9. Expert report(s) by party initially seeking to introduce expert testimony recommended due date: The parties request that an expert discovery schedule be put in place following the outcome of any motion for conditional certification of an FLSA collective.

10. Recommended cut-off date for amending the pleadings and/or adding additional parties: June 30, 2021.

11. Recommended date for Status Hearing: September 1, 2021.

12. Recommended date for a Settlement Conference: August, 2021.

13. Other matters for the attention of the Court: A lawsuit alleging virtually identical causes of action, *Howell v. AM Communications, Inc. et al.*, 21-CV-00190, was previously filed against AM Defendants on January 22, 2021 and was also assigned to this Court. Plaintiff's unopposed motion to consolidate this matter with the *Howell* case is currently pending before the Court.

Respectfully submitted,

/s/ Ryan A. Winters

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